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*Attorneys for Plaintiff Francisco Orozco*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ARMANDO VILLANUEVA and  
HORTENCIA SAINZ, individually and  
as successor in interest to Pedro  
Villanueva, deceased, and FRANCISCO  
OROZCO, individually,

Plaintiffs,

vs.

STATE OF CALIFORNIA; JOHN  
CLEVELAND; RICH HENDERSON;  
and DOES 1-10, inclusive,

Defendants.

Case No. 8:17-cv-01302 JLS (KESx)

*Assigned to the Honorable District  
Court Judge Josephine L. Staton*

**JOINT STIPULATION FOR  
UNDER SEAL FILING**

Date: August 10, 2018

Time: 2:30 p.m.

Judge: Hon. Josephine L. Staton

1 IT IS HEREBY STIPULATED by and between Plaintiff FRANCISCO  
2 OROZCO (Plaintiff) and Defendants STATE OF CALIFORNIA, JON  
3 CLEVELAND, AND RICHARD HENDERSON (Defendants), by and through their  
4 respective counsel, that, conditional upon this Court finding good cause, the  
5 following documents shall be filed under seal (in their entirety) as exhibits to  
6 Plaintiff Francisco Orozco's opposition to Defendants' Motion for Summary  
7 Judgment: (1) the "Incident Detail Report" for this incident, marked CHP-01573-  
8 01585, designated as confidential and produced pursuant to the protective order on  
9 file in this case; (2) the OC Fire Authority Pre-Hospital Care Report for Francisco  
10 Orozco, marked CHP-01151-01152, designated as confidential and produced  
11 pursuant to the protective order on file in this case.

12 As set forth in the stipulated protective order (Dkt. Doc. 21) and in  
13 Defendants' application to file certain exhibits to Defendants' Motion for Summary  
14 Judgment under seal (Dkt. Doc. 34), Defendants assert that these records are  
15 confidential and privileged, and protected by the official information privilege and  
16 the right of privacy. *Kerr v. United States Dist. Court for Northern Dist. of*  
17 *California*, 511 F.2d 192, 198 (9th Cir. 1975); *Sanchez v. City of Santa Ana*, 936  
18 F.2d 1027, 1033-34 (9th Cir. 1990); *Stallworth v. Brollini*, 288 F.R.D. 439, 444  
19 (N.D. Cal. 2012) (recognizing federal right of privacy and citing *Whalen v. Roe*, 429  
20 U.S. 589, 599, 97 S. Ct. 869, 51 L. Ed. 2d 64 (1977)); *see also*, Cal. Const., art. I, §  
21 1, Cal. Penal Code § 832.7, Cal. Evid. Code § 1040(b)(2); Cal. Gov't Code §§ 3300,  
22 et seq., Cal. Civ. Code §§ 1798, et seq. *See also Kelly v. City of San Jose* (N.D. Cal.  
23 1987) 114 F.R.D. 653, 656 ([A]s a matter of comity, the federal court should  
24 attempt to ascertain the interests that inspire any relevant state doctrine and take into  
25 consideration the views of state authorities about the importance of those interests. .  
26 . .).

1 As set forth in Defendants' application to seal (Dkt. Doc. 34), the CHP  
2 Incident Detail Report includes officers' call signs. Defendants contend that the  
3 publication of officers' call signs would compromise operational security and put  
4 officers at risk because specific information relating to the tactical identification of  
5 units would reveal information and intelligence to criminals. Defendants contend  
6 that among other things, this information would reveal officers' identities and  
7 locations that could be obtained from police radio traffic and could be used to track  
8 down, ambush, harass and harm the officers. Plaintiffs agree that the Incident Detail  
9 Report was produced as confidential and agree that it may be filed under seal (in its  
10 entirety) pending this Court's determination on good cause for doing so.

11 The Pre-Hospital Care Report contains private medical information for Mr.  
12 Orozco. Public release of Mr. Orozco's pre-hospital care report may cause Mr.  
13 Orozco unwanted attention and distress, whereas the public would not be harmed by  
14 Mr. Orozco's pre-hospital care report being filed under seal.

15  
16 IT IS SO STIPULATED

17  
18 Dated: July 13, 2018

XAVIER BECERRA  
Attorney General of California  
JOEL A. DAVIS  
Supervising Deputy Attorney General

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20  
21 /s/ Donna M. Dean

DONNA M. DEAN  
Deputy Attorney General  
*Attorneys for Defendants*  
*State of California, Jon Cleveland*  
*and Richard Henderson*

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1 DATED: July 13, 2018

LAW OFFICES OF DALE K. GALIPO

2  
3 /s Renee V. Masongsong

4 By

Dale K. Galipo  
Renee V. Masongsong  
Attorneys for Plaintiffs